

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BRANDENBURG TELEPHONE COMPANY, INC.)	
)	
<hr style="width:50%; margin-left:0"/>)	CASE NO. 93-056
)	
ALLEGED FAILURE TO COMPLY WITH)	
COMMISSION REGULATION 807 KAR 5:006,)	
SECTION 24, AND 807 KAR 5:061,)	
SECTION 3(1))	

O R D E R

Brandenburg Telephone Company, Inc. ("Brandenburg"), a Kentucky corporation which engages in the transmission or conveyance over wire, in air or otherwise, of any message by telephone or telegraph for the public for compensation, is a utility subject to Commission jurisdiction.

KRS 278.280(2) directs the Commission to prescribe rules and regulations for the performance of service by utilities. Pursuant to this statutory directive, the Commission promulgated Commission Regulation 807 KAR 5:061, Section 3(1), which requires telephone utilities to maintain their plant and facilities in accordance with The National Electrical Safety Code, C2 (1990 Edition) ("NESC") and 807 KAR 5:006, Section 24, which requires a utility to adopt and execute a safety program.

Commission Staff has submitted to the Commission a Communication Utility Accident Investigation report dated January 15, 1993, attached hereto as Appendix A which alleges that:

1. On December 22, 1992, Tom Wooldridge, an employee of Brandenburg, was on the elevated bucket of his truck preparing the hardware to attach the 10m strand to pole 7. The 10m strand was lying across the road between poles 6 and 7. A driver of a vehicle, Rebecca Fitzgerald, was instructed by Ron Aebersold, supervisor of the line crew, to proceed through the work area of Brandenburg. Ms. Fitzgerald's vehicle became caught on the 10m strand and was overturned. The additional tension on the 10m strand pulled Wooldridge out of the elevated bucket of his truck causing him to fall approximately 20 feet to the ground. Wooldridge suffered multiple injuries.

2. Mr. Aebersold stated that no traffic warning signs or flagmen were in place and that traffic was being directed only by hand motions.

3. Mr. Wooldridge was not properly attached to the boom of the bucket with a body belt.

4. NESC Section 42, subparagraph 420K.1., Safety Straps, requires an employee working in an elevated position to use a suitable safety strap or other approved means to prevent falling. Mr. Wooldridge violated this section when he failed to wear a body belt properly attached to the boom of the bucket.

5. NESC Section 42, Subparagraph 420K.2., Safety Straps, requires an employee to inspect safety straps or other similar devices, before use, to assure that they are in safe working condition. This section was violated when Mr. Wooldridge did not inspect the safety belt.

6. NESC Section 42, subparagraph 421A.2., Duties of a First Level Supervisor on Person in Charge, states that this individual shall see that the safety rules and operating procedures are observed by the employees under the direction of this individual. Mr. Aebersold violated this section by not making sure the employees under his direction were adhering to proper safety rules and operating procedures.

7. NESC Section 42, Subparagraph 421 B.1.a., Duties of a First Level Supervisor or Person in Charge, states that this individual before engaging in work that may endanger the public, shall conspicuously place warning signs or traffic control devices, or both, to alert approaching traffic. Where further protection is needed, suitable barrier guards shall be erected. Where the nature of work and traffic requires it, a person shall be stationed to warn traffic while the hazard exists. Mr. Aebersold violated this section by not placing warning signs or traffic control devices or even a flagman at the work area. Mr. Aebersold was using only hand motions to indicate that traffic should slow down as it entered the work area.

8. At the time of the incident, Tom Wooldridge and Ron Aebersold were employees of Brandenburg acting within the scope of their employment.

9. As a result of Mr. Wooldridge's failure adequately to inspect and use a safety strap prior to this accident, Brandenburg is in violation of Commission Regulations 807 KAR 5:006, Section 24, and 807 KAR 5:061, Section 3(1).

10. Mr. Aebersold was in violation of 807 KAR 5:006, Section 24, and 807 KAR 5:061, Section 3(1), for failure adequately to ensure employees under his direction were adhering to proper safety rules and operating procedures. Mr. Aebersold was also in violation of the regulation for failure adequately to alert approaching traffic with the proper warning devices.

The Commission, on its own motion, HEREBY ORDERS that:

1. Brandenburg shall submit to the Commission, within 20 days of the date of this Order, a written response to the allegations contained in the Communication Utility Accident Investigation Report, attached hereto and incorporated herein as Appendix A.

2. Brandenburg shall appear on March 30, 1993, at 10:00 a.m., Eastern Standard Time, in Hearing Room 1 of the Commission's offices at 730 Schenkel Lane, Frankfort, Kentucky, for the purpose of presenting evidence concerning the incident which is the subject of the Communication Utility Accident Investigation Report, specifically the alleged violations of Commission Regulations 807 KAR 5:006, Section 24, and 807 KAR 5:061, Section 3(1), and of showing cause, if any it can, why it should not be subjected to the penalties of KRS 278.990 for its alleged failure to comply with Commission regulations.

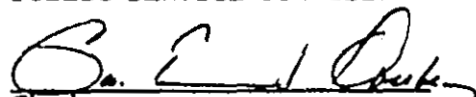
3. Any motion requesting an informal conference with Commission Staff for the purpose of clarifying issues, stipulating facts, or negotiating a settlement of the case shall be filed with

Brandenburg's written response to the Communication Utility Accident Investigation Report.

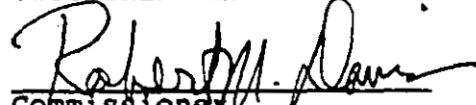
4. The Communication Utility Accident Investigation Report dated January 15, 1993 is hereby made a part of the record of this case.

Done at Frankfort, Kentucky, this 19th day of February, 1993.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION
IN CASE NO. 93-056 DATED FEBRUARY 19, 1993.COMMUNICATION UTILITY ACCIDENT INVESTIGATIONDATE OF THIS REPORT January 15, 1993 SUBMITTED BY James R. JohnsonNAME OF UTILITY Brandenburg Telephone Co., Inc.ACCIDENT REPORTED BY D.R. WilloughbyDATE AND TIME ACCIDENT OCCURRED December 22, 1992; 10:35 a.m.DATE & TIME UTILITY LEARNED OF ACCIDENT December 22, 1992; 10:35 a.m.DATE & TIME ACCIDENT REPORTED December 22, 1992; 11:20 a.m.DATE OF ACCIDENT INVESTIGATION December 22, 1992DATE SUMMARY WRITTEN REPORT WAS RECEIVED FROM UTILITY Dec. 29, 1992PERSONS ASSISTING IN THE INVESTIGATION Mr.D. R. Willoughby, Mr. Ron
Aebersold, Mr. Larry Bruner and Mr. Tom WooldridgeNAME OF VICTIM(S) 1. Mr. Tom Wooldridge SEX M AGE 47FATAL (No) NAME OF EMPLOYER: Brandenburg TelCo, Inc.INJURIES Abrasion and contusion of left hand, Possible
broken ribs and fractured vertebra2. N/A SEX AGE FATAL NAME OF EMPLOYER: INJURIES 3. N/A SEX AGE FATAL NAME OF EMPLOYER: INJURIES

COMMUNICATION UTILITY ACCIDENT INVESTIGATION (Continued)

LOCATION OF ACCIDENT 2785 Blueball Road, Rineyville, Hardin County,
Kentucky

DESCRIPTION OF ACCIDENT A white 1981 Mazda driven by Ms. Rebecca L.
Fitzgerald proceeded through a work area of Brandenburg Telephone Co.
Apparently Ms. Fitzgerald's vehicle became caught on the 10m strand
that phone company employees had laid across the road before
pulling it up between poles 6 and 7. As a result of the entanglement
Ms. Fitzgerald vehicle was overturned and the additional tension on
the strand pulled Mr. Wooldridge out of the elevated bucket of his
truck causing him to fall approximately 20 feet to the ground.

SOURCE OF INFORMATION Mr. Tom Wooldridge, Mr. Ron Aebersold, Mr. Larry
Bruner and Mr. D. R. Willoughby. State Police Report #124890

PROBABLE VIOLATIONS OF COMMISSION REGULATIONS Failure of Brandenburg
Telephone Co. to enforce safety standards as required by 807 KAR 5:006,
Section 24 and 807 KAR 5:061, Section 3(1) which adopts the National
Electrical Safety Code, C2 1990 Edition, Section 420 K.1.,2 and Section
Section 421 A.2. and B.1.a.

RECOMMENDATIONS It is recommended the Commission consider action in
accordance with KRS 278.990 for Brandenburg Telephone Company's
probable violations of Commission Regulations as noted above.

CORRECTIVE ACTION None

LINE CLEARANCES

	<u>As Measured</u>	<u>Minimum Allowed by NESC</u>
A. AT POINT OF ACCIDENT		
Phase conductor to ground elevation:	<u>N/A</u>	<u>N/A</u>
Neutral conductor to ground elevation:	<u>N/A</u>	<u>N/A</u>
Communication conductor to ground elevation:	<u>N/A</u>	<u>N/A</u>
Phase conductor to structure:	<u>N/A</u>	<u>N/A</u>
Neutral conductor to structure:	<u>N/A</u>	<u>N/A</u>
Communication conductor to structure:	<u>N/A</u>	<u>N/A</u>
B. AT LOWEST POINT OF SPAN		
Phase conductor to ground elevation:	<u>N/A</u>	<u>N/A</u>
Neutral conductor to ground elevation:	<u>N/A</u>	<u>N/A</u>
Communication conductor to ground elevation:	<u>N/A</u>	<u>N/A</u>
C. SPAN LENGTH <u>177 feet</u>		
Date the line or facilities were constructed: <u>June 6, 1972</u>		
Voltage of line or facilities: <u>No current carrying facilities involved.</u>		
Date last inspected by utility: <u>February 26, 1992</u>		
Utility: <u>Brandenburg Telephone Company, Inc.</u>		
Date:	<u>N/A</u>	Time <u>N/A</u>
Approximate temperature: <u>N/A</u>		
Measurements made by: <u>N/A</u>		

Submitted by: James R. Johnson